

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE:

ENERGY FUTURE HOLDINGS CORP.,  
et al.,

Debtors.

Bankruptcy Case No. 14-10979

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KENNETH R. STEWART

Appellant,

v.

C. A. No. 15-1213-RGA

ENERGY FUTURE HOLDINGS CORP.,  
et al.

Appellees.

**FILED**

FEB - 3 2016

**RECOMMENDATION**

U.S. DISTRICT COURT DISTRICT OF DELAWARE

At Wilmington this 3<sup>rd</sup> day of **February, 2016**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which involved a teleconference with counsel and the Appellant on February 1, 2016 determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

It was clear the parties have strong, divergent views regarding the strengths and weaknesses of their respective positions. Appellant advised of his position regarding the minimum terms of settlement that would be acceptable. Appellees did not find such terms acceptable.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. During the teleconference, the parties were advised of their right to file objections pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1. Since the parties agreed that this matter be removed from mandatory mediation, no objections to this Recommendation are anticipated.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng  
UNITED STATES MAGISTRATE JUDGE